

REMARKS

I. Amendments

Claims 12, 21, 23 and 25 are pending. Claims 12, 21 and 25 have been amended. The amendments to the claims do not constitute new matter and are completely supported throughout the specification and originally filed claims. More particularly, support for the amendments to the claims may be found, for example, at page 4, lines 25-27, page 5, lines 6-13, page 8, lines 21-22, page 12, line 28 through page 16, line 31 and page 53, lines 8-14 of the specification.

The foregoing amendments are not intended to limit the scope of the invention, and are made solely to place the claims in condition for allowance in response to the Advisory Action mailed October 20, 2003. Further, the amendments to the claims are made without prejudice to the pending or now canceled claims or to any subject matter pursued in a related application. The Applicant reserves the right to prosecute any canceled subject matter at a later time or in a later filed divisional, continuation, or continuation-in-part application.

Upon entry of the amendment, claims 12, 21, 23 and 25 are pending in the instant application.

II. Rejection under 35 U.S.C. § 112, first paragraph

The Examiner has maintained the rejection of claims 12, 21, 23 and 25 under 35 U.S.C. § 112, first paragraph, because they allegedly contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 12, 21, 23 and 25 are drawn to a transgenic mouse comprising a disruption in the NPY6 receptor gene which results in loss of function of NPY6, wherein where the disruption is homozygous, the transgenic mouse exhibits increased coordination or increased agility, and methods of making and using the transgenic mouse. According to the Examiner, the specification only enables the transgenic mouse comprising this disruption wherein the disruption results in “no expression of the receptor protein”. The Examiner has stated “it is important to recite in the claim that … no NPY6 receptor protein is expressed”.

The Applicant traverses the rejection, and believes that the specification is enabling for the transgenic mouse comprising the disruption that “results in loss of function of NPY6” as was recited in the immediate prior version of the claims. However, as the rejection has been made

final, and Applicant wishes to place the claims in condition for allowance, these claims have been amended. The claims now recite a transgenic mouse comprising a disruption in the NPY6 gene, wherein the transgenic mouse "lacks production of functional NPY6 protein" and exhibits increased coordination or increased agility. In a telephone conversation with the Examiner on December 1, 2003, this language was confirmed to be sufficient to overcome the rejection.

As the rejection under 35 U.S.C. § 112, first paragraph, is no longer relevant, Applicant requests withdrawal of the rejection. Applicant submits that claims 12, 21, 23 and 25 as amended are patentable under and meet the requirements set forth in 35 U.S.C. § 112, first paragraph.

III. Remaining Rejections

Applicant believes that the Amendment filed September 3, 2003, has overcome all other rejections, including those under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 103, as indicated on the Advisory Action, aside from the 35 U.S.C. § 112, first paragraph, rejection addressed above.

In view of the amendments to the claims and remarks above, it is believed that the claims are currently in condition for allowance, and notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1271 under Order No. R-639.

Respectfully submitted,

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